



DEPARTMENT OF THE ARMY

UNITED STATES ARMY CIVILIAN HUMAN RESOURCE AGENCY
USACHRA WEST REGION, WHITE SANDS MISSILE RANGE
CIVILIAN PERSONNEL ADVISORY CENTER
124 CROZIER STREET

WHITE SANDS MISSILE RANGE, NEW MEXICO 88002-5050

REPLY TO
ATTENTION OF
PECP-WER-K

5 September 2006

SUBJECT: White Sands Missile Range Pay Fixing Policy (Does Not Apply to NSPS)

1. PURPOSE AND SCOPE: This policy establishes the White Sands Missile Range Policy for fixing pay where administrative discretion is permitted by the Office of Personnel Management and higher headquarters. This policy applies to all Department of the Army civilian employees who are paid from appropriated funds and who are assigned to receive Civilian Personnel advice and assistance from the Civilian Personnel Advisory Center, White Sands Missile Range, New Mexico. This supplement supersedes the White Sands Missile Range Pay Policy dated 18 April 1983.
2. EFFECTIVE DATE: This policy is effective for all personnel actions having an effective date on or after the starting date of the next full pay period after approval.

3. REFERENCES:

- a. Chapter 53 of Title 5, United States Code;
- b. Parts 530, 531, 532, 536, 537 and 575 of Title 5, Code of Federal Regulations;
- c. OPM Operating Manual for the Federal Wage System;
- d. DoD and US Army directives;
- e. Case Law and Comptroller General Decisions;
- f. Title 10 (covers Armed Forces, overseas returnees and Defense Civilian Intelligence Personnel System);
- g. Title 29 (Fair Labor Standards Act for non-exempt employees;) and
- h. Title 38 (covers health care occupations within DoD).

4. RESPONSIBILITY: Normally CPOC Staffing Specialists determine applicable pay rates prior to the time a personnel action is effected. Where administrative discretion is permitted, supervisors and management officials with advice from their CPAC Generalist and in conjunctions with CPOC Staffing Specialists will determine applicable pay rates prior to the time a personnel action is effected consistent with Office of Personnel Management, Department of Defense and Department of the Army regulations, other Higher Headquarters Directives and this Policy.

5. DEFINITIONS:

- a. AT EMPLOYEE REQUEST. Action is considered to be "at employee request" if the placement is initiated and within the control of the employee and was not caused or initiated by management to further the mission of White Sands Missile Range or Higher Headquarters. Examples of placement actions which are not at employee request include, but are not limited to: When an employee applies under a vacancy announcement; change to lower grade to enter a position filled under Upward Mobility, Intern or other formalized developmental program; change to lower grade in lieu of disability retirement; reassignment from a pool of overhires or trainee employees (for example, E&S interns, clerical pool) to a TDA or organizational assignment; placement under circumstances which establish an employee's right to grade or pay retention benefits, whether or not grade or pay retention was actually granted; transfer

or reassignment to accompany a head of household or a family member to a new duty location; change to lower grade to a position that has known promotion potential but that was not filled under a formal training program; a change in work site to be nearer home or residence; a change requested by or consented to by an employee to avoid written notification of an action for personal cause; reinstatement at a grade lower than formerly held in order to reacquire Federal employment.

b. **HIGHEST PREVIOUS RATE** is the highest actual rate of basic pay while Federally employed or the actual rate of basic pay for the highest GS grade and step previously held by an individual.

c. **LAST PERMANENT RATE** the scheduled rate on the current pay scale for the identical pay method category and grade and step of the last permanent Federal position.

d. **MAXIMUM PAYABLE RATE** the highest amount at which an employee's pay may be set when the highest previous rate is considered. It may be higher or lower than the highest previous rate.

e. **NEW APPOINTMENT**: is the first appointment, regardless of tenure, in the Federal Government. For example, a candidate who has never worked for the Federal Government before is appointed to a permanent appointment, a temporary appointment not to exceed one year, or a term appointment. A new appointment may also be called an initial appointment.

f. **PERSONAL CAUSE**: Under regulations prescribed by the Office of Personnel Management, an agency may take an action against an employee only for such cause as will promote the efficiency of the service.

g. **RATE OF BASIC PAY** is the rate of pay fixed by law or administrative action for the position held by a GS employee including a GS rate, an LEO special base rate, a special salary rate, a locality rate, and a retained rate.

h. **REEMPLOYMENT**: an employment, including reinstatement or another type of appointment, after a break in service of at least one full workday.

i. **REINSTATEMENT**: a competitive service appointment of a person who previously was employed under a career or career-conditional appointment (or equivalent).

6. PAY SETTING POLICY:

a. **NEW APPOINTMENT**: A new appointment is normally made at the first step of the appropriate grade; or, where a special rate has been established, at the special minimum rate for the grade. Exceptions are (1) under a GS superior qualifications and special needs appointment; (2) in recognition of special qualifications for the Federal Wage System; (3) FWS amended wage schedule; and (4) under the DoD Employee Benefit Portability Program.

b. **HIGHEST PREVIOUS RATE/MAXIMUM PAYABLE RATE** : Unless it is not allowed by law or other guidance including this Policy, pay of an employee or former employee who is reemployed, transferred, reassigned, promoted or demoted will be fixed using the highest previous rate/maximum payable rate if the following conditions are met:

- (1) the action is not at the employee's request or for cause or failure to satisfactorily perform the assigned duties;
- (2) if the highest previous rate was earned on a permanent grade, the grade must have been held for not less than 90 days under an appointment not limited to 90 days or less;
- (3) if the highest previous rate was earned on a temporary promotion or temporary appointment, the rate must have been earned for at least 1 consecutive year;
- (4) the rate used must not be a special rate. Instead, the rate to which the employee would have been entitled if the special rate had not applied will be used; and
- (5) the rate must have been earned while assigned to a regular tour of duty. A pre-scheduled, repetitive and documented part-time tour is a regular tour of duty for this purpose.
- (6) if the highest previous rate falls between two steps, the higher rate will be paid.
- (7) When the highest previous rate cannot be verified prior to the effective date of a personnel action, pay will be fixed at the first step of the grade and will be subject to retroactive upward adjustment. In these cases, any required remark will be documented on the SF-50. However, if the remark is omitted from the SF-50 through error or if the pay is erroneously fixed without using the highest previous rate, retroactive upward adjustment is authorized by this Policy and will be made.
- (8) Proper use includes but is not limited to:
 - (a) permanent , temporary and term promotion of a current Federal employee;
 - (b) Transfer, Change of Appointing Office or reinstatement to enter a position filled under an Intern, Upward Mobility or other formalized training program;
 - (c) assignment of a current White Sands Missile Range employee to a formalized training program (Intern, Upward Mobility);
 - (d) Reassignment or Change to Lower Grade when an employee applies for and is selected from a vacancy announcement;

- (e) Change to Lower Grade due to a medical placement as a result of a disabling medical condition;
 - (f) placement of a Federal Wage System employee into a GS (or equivalent) position;
 - (g) placement through the DoD Priority Placement Program; and
 - (h) when an employee is reduced from a permanent grade upon return from an overseas assignment in accordance with the terms of a pre-established agreement including those employees released from their agreement by the employing overseas activity because of compelling personal reasons of a humanitarian or compassionate nature.
- (9) Improper use includes but is not limited to:
- (a) Reassignment, Change to lower grade, transfer to a different position or Conversion to a different appointment at employee request;
 - (b) Reinstatement or reemployment at employee request to a grade lower than the last for a former Federal position;
 - (c) Transfer or Change of Appointing Office at employee request to a grade lower than the last or a former Federal position;
 - (d) Change to lower grade upon termination or expiration of a temporary promotion that lasted less than one year and
 - (e) any personnel action taken for personal cause.

c. **LAST PERMANENT RATE** : Unless it is not allowed by law or other guidance including this Policy the last permanent rate will be used to fix pay when the current personnel action and circumstances are not covered by other pay fixing rules and if the following conditions are met :

- (1) The rate must have been earned in a permanent grade and the employee must have held the permanent grade for 90 days or longer.
- (2) The rate used must not be a special rate. Instead, the rate to which the employee would have been entitled if the special rate had not applied will be used.
- (3) The rate must have been earned while assigned to a regular tour of duty. A pre-scheduled, repetitive and documented part-time tour is a regular tour of duty for this purpose.
- (4) If the last permanent rate of pay falls between two steps, the lower rate will be paid.
- (5) When the last permanent rate cannot be verified prior to the effective date of a personnel action, pay will be fixed at the first step of the grade and will be subject to retroactive upward adjustment. In these cases, any required remark will be documented on the SF-50. However, if the remark is omitted from the SF-50 through error or if pay is erroneously fixed without using the last permanent rate, retroactive upward adjustment is authorized by this Policy and will be made.
- (6) It is proper to use the Last Permanent Rate to fix pay for (but not limited to) Change to lower grade and reassignment at employee request; temporary appointment at employee request of a former Federal employee in to a position at a grade lower than previously held and other personnel actions taken at employee request.

d. **TEMPORARY APPOINTMENT** : Unless it is not allowed by law or other guidance including this Policy, the last earned temporary rate will be used to fix pay upon temporary appointment or conversion to another temporary appointment or to a permanent appointment from a temporary appointment. Pay for the current action will be fixed NOT TO EXCEED the scheduled rate on the current pay scale for the identical pay method category and grade and step of the last temporary Federal position and if the following conditions are met.

- (1) The employee must have held the grade for 90 days or longer.
- (2) The experience gained in the temporary position must be qualified for either the general or specialized experience in the Qualification Standard for the permanent position.
- (3) The rate must have been earned at White Sands Missile Range within one year immediately preceding the effective date of the current personnel action. Exception may be granted by Chief, Civilian Personnel Advisory Center upon a definite showing that the position is hard-to-fill/the employee is bringing unique qualifications related to the position being filled.
- (4) The rate must not be a special rate. Instead, the rate to which the employee would have been entitled if the special rate had not applied will be used.
- (5) The rate must have been earned while assigned to a regular tour of duty. A pre-scheduled, repetitive and documented part-time tour is a regular tour of duty for this purpose.
- (6) If the rate falls between two steps, the lower rate will be paid.
- (7) When the rate cannot be verified prior to the effective date of a personnel action, pay will be fixed at the first step of the grade and will be subject to retroactive upward adjustment. In these cases, any required remark will be documented on the SF-50. However, if the remark is omitted from the SF-50 through error or if pay is erroneously

fixed without using the last temporary rate, retroactive upward adjustment is authorized by this Policy and will be made.

e. **SUPERVISORY DIFFERENTIALS**. A supervisory differential will be paid, not to exceed the continuing pay for the highest step in the rate range of the supervisory position to General Schedule employees who provide direct, technical and administrative supervision to one or more Federal Wage System employees whose continuing pay would in the absence of such a differential, be more than the continuing pay of the supervisor. The pay for these GS supervisors should be reviewed at the time of GS and FWS pay adjustments. The determination to pay a differential and subsequent reviews must be made in writing and coordinated with CPAC and approved by the next higher level of supervision.

f. **EFFECTIVE DATES**. An employee selected for a position under the Merit Promotion Plan who is due a within grade increase in the current grade within 30 days from the date of selection may have the effective date of the action delayed until after the within grade increase is effected if the selecting official agrees.

g. **PAY ESTABLISHED UNDER PREVIOUS POLICY**. All rates of pay that were established under the previous White Sands Missile Range Pay Policy will remain unchanged; these rates will not be adjusted to higher or lower rates because of the implementation of this policy.

7. RECRUITMENT/RETENTION/RELOCATION INCENTIVES, SUPERIOR QUALIFICATIONS APPOINTMENTS AND SCHOOL LOAN REPAYMENT INCENTIVES:

a. RECRUITMENT/RELOCATION INCENTIVES

(1) Approval levels vary.

(2) In order to be eligible for a recruitment incentive, the incentive must be approved before the entrance on duty of a new employee or an employee to be re-employed after at least a 90 day break in service. See CFR 5 part 575 or DoD Plan for additional restrictions and exceptions in rare cases.

(3) Maximum of 25% of basic pay to be paid in a lump sum and not considered part of basic pay.

(4) There must be a written determination of the consideration of a number of factors, applicable to the case at hand, that the position is likely to be difficult to fill in the absence of the incentive, employment trends and labor-market factors, non-Federal salaries paid for similar positions, special or unique competencies required for the position, White Sands efforts to use non-pay authorities and the desirability to the duties, work or organizational environment or location of the position. Documentation must outline the specific reasons why this is necessary, including the impact to mission if not approved, the steps you have taken aiming at the fact that this is your last resort or that the qualifications of this person are so superior to others that you really have no other choice. You also should explain the qualifications of the person and how it will better the mission to have the person on board. For relocation incentives, this must include a statement that the employee's new position is not in the same geographic area as the worksite of the position held before the move and that the employee has established a residence in the new geographic area. There is a sample request attached to assist with this.

(5) There must be a signed service agreement (6 months to 4 years) that states the terms, limitations or conditions of service prior to receiving any payments. Failure to complete the service agreement will require the employee to repay the incentive on a pro rata basis unless the agreement is terminated based solely on a management need. Employee's receipt of a rating of record of less than "Fully Successful" or equivalent constitutes failure to complete the service agreement.

b. RETENTION INCENTIVES

(1) Approval levels vary.

(2) A current employee is eligible based on unusually high or unique qualifications of the individual or a special need of White Sands for the employee's services and the employee is likely to leave the Federal service in the absence of the incentive. Employee's rating of record immediately before the move must be at least "Fully Successful" or equivalent.

(3) Maximum of 25% of basic pay for individual employees or 10% for groups of employees to be determined by the authorizing official based on criteria listed in 5 CFR part 575.

(4) Service agreements are not required because retention incentives are paid at the same time as basic pay (every two weeks).

(5) Retention incentives must be reviewed annually.

(6) Documentation must outline the specific reasons why this is necessary, including the impact to mission if not approved, the steps you have taken aiming at the fact that this is your last resort or that the qualifications of this person

are so superior to others that you really have no other choice. You also should explain the qualifications of the person and how it will better the mission to have the person on board.

c. SUPERIOR QUALIFICATIONS APPOINTMENTS (also called Advance In-Hire Rate)

(1) Approval levels vary.

(2) In order to be eligible for a Superior Qualifications Appointment, the rate must be approved before the entrance on duty of a new employee or an employee to be re-employed after at least a 90 day break in service. See CFR 5 part 575 for additional restrictions and exceptions in rare cases.

(3) One of the following must be met; superior qualifications of the individual or special need of White Sands.

(4) Documentation must include the superior qualifications of the individual or special need of White Sands, the factors considered in determining the individual's existing pay and the reason for setting pay at a rate higher than that needed to match existing pay and the reasons for authorizing an advanced rate instead of or in addition to a recruitment bonus. Documentation must outline the specific reasons why this is necessary, including the impact to mission if not approved, the steps you have taken aiming at the fact that this is your last resort or that the qualifications of this person are so superior to others that you really have no other choice. You also should explain the qualifications of the person and how it will better the mission to have the person on board.

(5) Service agreements are not required because the rate is basic pay.

d. SCHOOL LOAN REPAYMENT

(1) Approval levels vary.

(2) Recruitment or retention incentive for highly qualified candidates or current employees (Some temporary/term/excepted employees are eligible). The loan must be outstanding and made to the employee and for study at an accredited institution and made, insured or guaranteed under parts B, D or E or title IV or the Higher Education Act of 1965 or a health education assistance loan made or insured under part A of title VII of the Public Health Service Act or under part E of title VIII of that Act. When used as a recruitment incentive, approval (including the amount to be paid) must be received before the individual enters on duty.

(3) Maximum of \$10,000 per employee per calendar year and a total of \$60,000 per employee.

(4) Documentation must include the superior qualifications of the individual or special need of the White Sands, the factors considered in determining the individual's existing pay and the reason for authorizing the repayment the reasons for authorizing instead of or in addition to other incentives. Documentation must outline the specific reasons why this is necessary, including the impact to mission if not approved, the steps you have taken aiming at the fact that this is your last resort or that the qualifications of this person are so superior to others that you really have no other choice. You also should explain the qualifications of the person and how it will better the mission to have the person on board. For retention, a determination that but for the incentive, the employee would likely leave for employment outside the Federal service.

(5) The employee must sign a service agreement for a minimum of 3 years before any payment is made. An employee will have failed to complete the service agreement if he separates from DoD, does not maintain an acceptable level or performance (Fully Successful or equivalent) or if he violates any of the conditions of the service agreement. Failure to complete the service agreement will result in indebtedness to the Federal Government for any student loan repayment benefits the employee received.

8. GRADE AND PAY RETENTION:

a. Grade Retention - An employee is eligible for grade retention if:

(1) Serving under a permanent appointment (not temporary or term) and

(2) Placed in a General Schedule or Federal Wage System position and

(3) Mandatory Grade Retention: The position is at a lower grade as a result of a reduction in force (or reclassification action). If the lower grade is through reclassification action, the position must have been classified at the higher grade continuously for at least 1 year immediately before the reduction or

(4) DoD extends grade retention to (a) Employees affected by reduction in force who find lower graded positions in DoD activities after receiving specific reduction in force notices proposing change to lower grade or separation, (b) Employees in organizations undergoing reduction in force or reorganization who would not be personally affected but whose acceptance of a lower graded position results in a more suitable position for that employee and reduces reduction in force impact for other employees or (c) Employees placed through the Priority Placement Program (PPP), even if they have not received a specific reduction in force notice or.

(5) Grade and pay retention approval authority in other cases that meet the intent of the grade and pay retention laws has been delegated through HQDA to MACOM commanders/ AASA with authority to re-delegate to appointing officials. This authority has not been re-delegated, therefore any request to extend grade or pay retention must go up through channels to the respective MACOM unless it is delegated at a later date.

(6) An employee who is entitled to grade retention keeps his or her grade for two years, even though performing

work at a lower grade level. This means that an employee's retained grade is treated as his or her grade for all pay and pay administration purposes. Consequently, an employee on grade retention receives full annual adjustments and any within-grade increases that become due.

(7) Grade retention terminates (a) Break in service of 1 workday or more (includes employees placed via PPP after separation); (b) Completion of the 2-year period of grade retention; (c) Declination of a reasonable offer of, or placement in, a position with an equal or higher grade than the retained grade; or (d) Election in writing to waive grade retention; or (Note: A waiver of grade retention also constitutes a waiver of pay retention.) (e) Change to lower grade for cause or at the employee's request (f) Move to a position not under a covered pay system.

b. Pay Retention – is mandatory for an employee who:

(1) Ceases to be entitled to grade retention due to expiration of the 2 year period or

(2) Is affected by RIF or reclassification and does not meet the eligibility requirements for grade retention or

(3) Is affected by a reduction or elimination of a special salary rate or

(4) Is moved by management action from a special rate position into a non-special rate position or into a lower special rate position or

(5) Is placed by management action under a different pay schedule or

(6) Is placed in a formal employee development program generally used Government-wide: Upward Mobility, Apprenticeship and Career Intern Programs or

(7) Is promoted (and is allowed under 5 CFR 531.214 or 5 CFR 532.407) and the resulting payable rate of basic pay exceeds the maximum rate of the highest applicable rate range.

(8) DoD extends pay retention to an employee who: (a) Accepts a lower graded position designated in advance as hard to fill or (b) Is reduced in grade on return from an overseas assignment under a pre-established agreement or (c) Declines a transfer of function to a location outside the commuting area; or who does not receive an offer at the gaining activity, and is placed in a lower graded position at any DoD activity; or (d) Accepts a lower graded position for non-disciplinary reasons of ill health or (e) Is serving as a National Guard technician and loses military status, not for cause, and accepts a lower graded competitive service position or (f) Is not serving on a mobility agreement and whose job is abolished, declines an offer outside the commuting area and is placed in a lower graded position in the commuting area; or (g) Applies through a formal recruitment program and is selected for a position at an overseas location or (h) Pay retention also may be extended in other circumstances, to the extent that the intent of law and regulation is met.

(9) When a GS or FWS employee is on pay retention the employee is entitled to receive 50 percent of the annual pay increase at the maximum rate of the grade of the position.

(10) Retained pay rate has no attributes – it is just a dollar amount, set at a rate above the maximum payable for the assigned grade.

(11) Employee's pay may not exceed 150% of the maximum rate for grade of the position

(12) Employee (in GS position) may not receive QSI – pay is already above the maximum step of the grade.

(13) Employee may not receive within- grade increases – pay is already above the maximum step of the grade.

(14) Pay retention terminates (a) Break in service of 1 workday or more (also applies to employees placed through PPP after a break in service) or (b) Upon attaining a rate of basic pay that is equal to or greater than the retained rate (after applying any applicable geographic conversion), or the employee declines a reasonable offer of such position or (c) Demotion (based on the grade of the employee's position) for cause or at the employee's request or (d) Election in writing to terminate grade retention or pay retention.

SALLY L. SMOOT

Chief, Civilian Personnel Advisory Center

Enclosure 1 SAMPLE REQUEST FOR INCENTIVE

Office Symbol

MEMORANDUM THRU _____, White Sands Missile Range

FOR _____

1. Reference White Sands Missile Range Pay Policy dated _____.

2. Request your consideration of a _____ for Mr. / Ms. _____ based upon the following justification:

a. Describe the results of recent efforts to recruit candidates for similar positions for example, number of best qualified applicants on the referral, declinations, etc ..

b. Describe recent turnover in similar positions.

c. Describe Labor market factors that may affect the ability to recruit candidates.

d. Describe specialized qualifications needed for the position.

e. Describe impact to the mission if this is not approved.

f. Describe qualifications of the selectee that are superior.

g . Describe why alternate candidate(s) will not meet the requirements of the position.

h. Describe other alternatives including other incentives that were considered and why they aren't acceptable.

3. Provide rationale for amount of allowance as percentage of basic pay.

a. Another job offer (attach a copy).

b. Selectee's current or recent non-Federal pay (attach a copy).

c. Comparable private sector pay rate based on current labor Market (attach documentation)

Encl as stated

NAME

Chief, _____